

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:09-CR-6-2-BR

UNITED STATES OF AMERICA,)
)
 v.) ORDER
)
 ROBERT AUSTIN HALL)

This matter is before the court on defendant's motion to modify his sentence under 18 U.S.C. § 3582(c)(1)(A). (DE # 77.) Defendant, through appointed counsel, was provided an opportunity to file additional materials in support of the motion, (7/2/20 Text Order), but did not do so. The government filed a response in opposition to the motion. (DE # 82.) The government contends defendant's motion should be denied because defendant has not exhausted his administrative remedies, among other things. (Id. at 1.)

Before filing a § 3582(c)(1) motion with the sentencing court, the defendant must submit a request to the warden of his facility for the Bureau of Prisons to bring a motion on his behalf. 18 U.S.C. § 3582(c)(1)(A). After 30 days, if the defendant has not received a response to his request, he may then file a motion in the sentencing court. Id. Defendant has not alleged that he has submitted a request to the warden or argued that this requirement should be waived. As such, defendant's motion is DENIED WITHOUT PREJUDICE to defendant refiling his motion after exhausting his administrative remedies.

This 1 September 2020.



W. Earl Britt
Senior U.S. District Judge